

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
KAREN R. BAKER, JUDGE

DIVISION III

CA06-1168

APRIL 11, 2007

WAL-MART STORES, INC. and CLAIMS  
MANAGEMENT, INC.

APPELLANTS

v.

EVELYN RUSHING

A P P E A L     F R O M     T H E  
W O R K E R S ' C O M P E N S A T I O N  
C O M M I S S I O N  
[F410419]

APPELLEE

AFFIRMED

The Workers' Compensation Commission awarded appellee Evelyn Rushing benefits and attorney's fees for an injury to her back resulting from a fall at work on August 2, 2004. Appellants Wal-Mart Stores, Inc. and Claims Management, Inc. concede that appellee fell at work, but challenge the award of benefits arguing that there is no substantial evidence to support the Commission's decision that appellee sustained a compensable injury to her lower back on August 2, 2004. We find no error and affirm.

Questions concerning the credibility of witnesses and the weight to be given to their testimony are within the exclusive province of the Commission. *Ark. Dep't of Health v. Williams*, 43 Ark. App. 169, 863 S.W.2d 583 (1993). In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Wal-Mart Stores, Inc. v. Sands*, 80 Ark. App. 51, 91 S.W.3d 93 (2002). Substantial evidence is that which a reasonable person might accept as adequate to support a

conclusion. *Olsten Kimberly Quality Care v. Pettey*, 328 Ark. 381, 944 S.W.2d 524 (1997). The question is not whether the evidence would have supported findings contrary to the ones made by the Commission; there may be substantial evidence to support the Commission's decision even though we might have reached a different conclusion if we sat as the trier of fact or heard the case *de novo*. *CDI Contractors v. McHale*, 41 Ark. App. 57, 848 S.W.2d 941 (1993). We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *White v. Georgia-Pacific Corp.*, 339 Ark. 474, 6 S.W.3d 98 (1999).

The only substantial question in this appeal is the sufficiency of the evidence, and the Commission's findings of fact, conclusions of law, and opinion adequately explain the decision. Having determined that the Commission's findings are in fact supported by substantial evidence, we affirm by memorandum opinion. *See In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

HART and GRIFFEN, JJ., agree.